DETAILED ACTION

Examiner Notes

It is noted that this application appears to claim subject matter disclosed in prior Application No. PCT/IB2004/052071, filed 10/10/2004. A reference to the prior application must be inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c). See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, 121, or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all non-provisional applications.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pierce et al. European Patent Publication No. 0135631, herein referred to as Pierce '631 and further in view of Miyazaki US Pub. No. 2004/0093830, herein referred to as Miyazaki '830.

Re claim 1, Pierce '631 discloses a system for dispensing samples comprising: a sample card distributor (Page 4, lines 35-36, wherein the sample card distributor is the distributor/the company who distributed the card to the customer); a machine-readable

label (Page 4, lines 7-8, wherein the machine-readable label is the strip of magnetic tape on a plastic card);

a machine-readable label writer for writing data associated with a product onto the machine-readable label (Page 2, lines 19- 21, Page 4, lines 6-8 and page 8, lines 29-31, wherein the machine-readable label writer is the writer 12 that encodes credit cards i.e. the strip of magnetic tape and thus writes data associated with a product onto the machine-readable label); and

a device for distributing samples (Page 4, lines 35-36, wherein the device for distributing samples is the dispensing station 11, Fig 1) comprising:

a machine-readable label reader for reading the machine-readable label (Page 8, lines 9-11 wherein the machine- readable label reader is the card reader 70 that reads magnetically encoded credit cards i.e. machine readable labels); a database containing sample information (Page 4, lines 16-18, wherein it is inherent that the identifying information, i.e., sample information, supplied to a computer 15 is stored in a database); means for packaging and distributing samples (Page 5, line 8- page 7, line 36) ; and a processor for receiving data from the machine-readable label reader (Page 8, lines 7-14, wherein the processor is the microprocessor that stores indicia and thus receives data from the machine-readable label reader, i.e. the card reader 70), obtaining sample information from the database (Page 4, lines 16-18, wherein it is inherent that the identifying information, i.e., sample information, supplied to a computer 15 from the magnetic strip is stored in a database and thus obtains data), and distributing samples (Page 8, lines 7-14, Fig 9), but does not specifically disclose that the article i.e., sample

is packaged. However Miyazaki '830 discloses a goods wrapping apparatus, wherein the goods wrapping apparatus is a vending machine that wraps a particular article (Paragraphs 3 and 5) specifically wherein the product is wrapped and thus packaged and then carried out/ dispensed to the user (Paragraphs 49, 21 and 22). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made for the dispensing system of Pierce '631 to further comprise of a means for packaging a sample as claimed since Miyazaki '830 teaches of a goods-wrapping apparatus that packages and article, wherein the packaging prevents the article from being stained (Paragraph 51).

Re claim 3, Pierce '631 and Miyazaki '830 discloses the system of Claim 1, and Pierce '631 further discloses wherein the device for distributing samples further comprises a vending machine (Page 4, lines 35-36, wherein the dispensing station 11 is the vending machine, Fig 1).

Re claim 4, Pierce '631 and Miyazaki '830 discloses the system of Claim 1, and Miyazaki '830 further discloses wherein the means for packaging and distributing samples further comprises:

at least one storage compartment for sorting and/or storing a sample (Paragraph 21, wherein the storage compartment is the goods storing section);

a mechanism for packaging the sample in a package (Paragraph 22, wherein the wrapping section packing mechanism is the mechanism for packaging a sample) ;

means for retrieving the sample from the storage compartment and transporting it to the mechanism for packaging (Paragraphs 21, 22, and 37, 49 wherein the goods carrying

in/out section is means retrieving the sample from the storage compartment, wherein the storage compartment is the goods storing section 10 and thus transporting the sample to the wrapping section i.e. the mechanism for packing 17); and

a dispensing device for dispensing a packaged sample (Paragraph 49, wherein the wrapping section 16 carries the wrapped article to the user and thus has a dispensing device).

Re claim 5, Pierce '631 and Miyazaki '830 discloses the system of Claim 1, and Pierce '631 further discloses wherein the processor is programmable to receive data from the machine-readable label reader (Page 8, lines 6-13, wherein the processor is the microprocessor that receives indicia from a card i.e. data and thus programmable), obtain sample information from the database (Page 4, lines 16-18, and Page 8, lines 6-13, wherein it is inherent that the identifying information, i.e., sample information, supplied to a computer /microprocessor is stored in a database , thus obtains data), and distributes at least one sample (Page 8, lines 6-13) and Miyazaki '830 further discloses that the article i.e., sample is packaged, specifically, Miyazaki '830 discloses a goods wrapping apparatus, wherein the goods wrapping apparatus is a vending machine that wraps a particular article (Paragraphs 3 and 5) specifically wherein the product is wrapped and thus packaged and then carried out/ dispensed to the user (Paragraphs 49, 21 and 22).

Re claim 6, Pierce '631 and Miyazaki '830 discloses the system of Claim 1, and Pierce '631 further discloses wherein the processor (Page 8, line 13 wherein the processor is the microprocessor) initiates the device for distributing samples when the machine-

readable label reader (Page 8, lines 10, wherein the machine-readable label reader is the card reader 70) reads data written on a machine- readable label (Page 8, lines 6-15).

Re claim 7, Pierce '631 discloses a method for distributing samples comprising: distributing a machine-readable label (Page 4, lines 7-8, wherein the machine-readable label is the strip of magnetic tape on a plastic card); transporting the machine-readable label through an environment (Page 4, lines 6, wherein a user transport the machine-readable label, i.e. the strip of magnetic tape, on a plastic card to a dispensing apparatus, wherein the dispensing apparatus is located in a retail environment); writing data associated with a product onto the machine-readable label (Page 2, lines 19- 21, Page 4, lines 6-8 and page 8, lines 29-31, wherein the machine-readable label writer is the writer 12 that encodes credit cards and thus writes data associated with a product onto the machine-readable label, wherein the machine readable label is the strip of magnetic tape on a plastic card); reading the data written on the machine-readable label (Page 8, lines 9-11 wherein the machine- readable label reader is the card reader 70 that reads magnetically encoded credit cards i.e. machine readable labels); comparing the data written on the machine-readable label to a database; (Page 4, lines 16-18, and Page 8, lines 6-13 and Page 2, lines 29-33, wherein the indicia from the message carrier, i.e. card, is read and encoded, i.e. written, and wherein the releasing mechanism 20 corresponds the recorded indicia in a microprocessor , thus comparing data between the machine-readable label and the indicia stored in the microprocessor, wherein it is inherent that the identifying information, i.e., sample information supplied to

a computer /microprocessor is stored in a database , thus obtains data); selecting at least one sample based on the comparing step (Page 8, lines 7-14, wherein a sample is selected when the card encoded indicia matches the recorded/stored indicia in the microprocessor and thus a comparison step and a programmed command before the desired sample is dispensed); and distributing the at least one sample (Page 8, lines 7-14, Fig 9) but does not specifically disclose that the article i.e., sample is packaged. However Miyazaki '830 discloses a goods wrapping apparatus, wherein the goods wrapping apparatus is a vending machine that wraps a particular article (Paragraphs 3 and 5) specifically wherein the product is wrapped and thus packaged and then carried out/ dispensed to the user (Paragraphs 49, 21 and 22). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made for the dispensing system of Pierce '631 to further comprise of a means for packaging a sample as claimed since Miyazaki '830 teaches of a goods-wrapping apparatus that packages and article, wherein the packaging prevents the article from being stained (Paragraph 51).

Re claim 8, Pierce '631 and Miyazaki '830 discloses the method of Claim 7, and Pierce '631 further discloses comprising the steps of programming a processor (Page 8, line 13 wherein the processor is the microprocessor) to initiate the reading step when at least one machine-readable label is detected (Page 4, lines 7-8 and Page 8, lines 8-14, wherein the machine-readable label is the strip of magnetic tape on a plastic card, wherein the reading of the machine-readable label is detected when the message carrier i.e. card is inserted into the card reader 70).

Re claim 9, Pierce '631 and Miyazaki '830 discloses The method of Claim 7, and Pierce '631 further discloses wherein the writing step further comprises writing information on the machine-readable label upon a manual request (Page 2, lines 19- 21, Page 4, lines 6-8 and page 8, lines 29-31, wherein the machine-readable label writer is the writer 12 that encodes credit cards and thus writes data associated with a product onto the machine-readable label, upon a customer request, thus a manual request).

Re claim 10, Pierce '631 and Miyazaki '830 discloses the method of Claim 7, and Pierce '631 further discloses wherein the writing step further comprises writing information on the machine-readable label automatically (Page 2, lines 19- 21, Page 4, lines 6-8 and page 8, lines 29-31, wherein the machine-readable label writer is the writer 12 that encodes credit cards and thus writes data associated with a product onto the machine-readable label automatically after the message carrier, i.e. card, is encoded).

Re claim 11, Pierce '631 and Miyazaki '830 discloses the method of Claim 7, and Pierce '631 further discloses wherein the selecting step further comprises selecting based on the comparing step and upon programmed commands (Page 8, lines 7-14, wherein a sample is selected when the card encoded indicia matches the recorded/stored indicia in the microprocessor and thus a comparison step and a programmed command before the desired sample is dispensed) and distributing the at least one sample, and Miyazaki '830 further discloses a goods wrapping apparatus, wherein the goods wrapping apparatus is a vending machine that wraps a particular

article (Paragraphs 3 and 5) specifically wherein the product is wrapped and thus packaged and then carried out/ dispensed to the user (Paragraphs 49, 21 and 22).

Re claim 12, Pierce '631 and Miyazaki '830 discloses the method of Claim 7, and Miyazaki '830 further discloses wherein the packaging step further comprises packaging the at least one sample with additional materials (Paragraphs 21, 51 40, and 53 wherein the packaging is the wrapping of a sample with a bag onto which the printing associated with the sample is printed, wherein the addition materials is the logo image and the content information).

Re claim 13. Pierce '631 and Miyazaki '830 discloses the method of Claim 12, and Miyazaki '830 further discloses wherein the additional materials further comprise: advertising materials, coupons, promotional materials, graphics, messages, instructions for use, and/or additional sample cards (Paragraphs 11, 21, 22,51, and 53 wherein the packaging is the wrapping of a sample with a bag onto which the printing associated with the sample is printed, wherein the addition materials is the logo image, i.e. graphics and characters, wherein a group of characters comprises a message and instructions for use and content information wherein the printing content generation operable to select a printing content associated with a particular article thus promotional materials and coupons comprises of printing contents associated with a article).

Re claim 14. Pierce '631 discloses a method of doing business comprising: incorporating a machine-readable label to a sample card (Page 4, lines 7-8, wherein the machine-readable label is the strip of magnetic tape on a plastic card, and thus incorporated) ; writing data associated with a product onto the machine-readable label

(Page 2, lines 19- 21, Page 4, lines 6-8 and page 8, lines 29-31, wherein the machine-readable label writer is the writer 12 that encodes credit cards and thus writes data associated with a product onto the machine-readable label, wherein the machine readable label is the strip of magnetic tape on a plastic card); reading the data from the machine-readable label (Page 8, lines 9-11 wherein the machine- readable label reader is the card reader 70 that reads magnetically encoded credit cards i.e. machine readable labels); comparing the data written on the machine-readable label to a database (Page 4, lines 16-18, and Page 8, lines 6-13 and Page 2, lines 29-33, wherein the indicia from the message carrier i.e. card is read and encoded i.e. written and then the step of comparing the recorded indicia stored in the microprocessor , thus compares data between the machine-readable label and the indicia stored in the microprocessor, wherein it is inherent that the identifying information, i.e., sample information supplied to a computer /microprocessor is stored in a database); selecting at least one sample based on the comparing step (Page 8, lines 7-14, wherein a sample is selected when the card encoded indicia matches the recorded/stored indicia in the microprocessor and thus based on a comparison step); distributing the at least one sample (Page 8, lines 7-14, Fig 9) ; but does not specifically disclose packing the sample and affecting the sale of goods or services based on sample distributed and the data written on the machine-readable label. However Miyazaki '830 discloses a good trading apparatus, wherein the good training apparatus is a vending machine that wraps a particular article (Column1, lines 20-21, 26-29) specifically wherein the product is wrapped and thus packaged and then carried out/ dispensed to the user (Paragraphs

49, 21 and 22) and affecting the sale of goods or services based on sample distributed and the data written on the machine-readable label (Paragraphs 41, and 15, wherein for each article the controller can out put information initiating that the article is out of stock to the user, wherein the packaged article comprises a bar code i.e. the machine readable label).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made for the dispensing system of Pierce '631 to further comprise of a means for packaging a sample and affecting the sale of goods or services based on sample distributed and the data written on the machine-readable label as claimed since Miyazaki '830 teaches of a goods-wrapping apparatus that packages and article, wherein the packaging prevents the article from being stained (Paragraph 51).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pierce et al. European Patent Publication No. 0135631, herein referred to as Pierce '631 further in view of Miyazaki US Pub. No. 2004/0093830, herein referred to as Miyazaki '830, as applied to independent claims 1, 7 and 14 above, and further in view of Kojima et al. US Pub No. 20020065680, herein referred to as Kojima '680.

Re claim 2, Pierce '631 and Miyazaki '830 disclose the system of Claim 1, but does not specifically disclose wherein said machine-readable label includes a radio transponder or transmitter. However Kojima '680, disclose a method and system for merchandise retail management and portable terminal, specifically wherein a sample commodity 23A, 23B, 23C, comprises wireless tags, wherein a wireless tag labels, i.e. machine-readable

label, are RFID and thus include a radio transponder or transmitter (Paragraph 93, Fig 1A). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made for the dispensing system of Pierce '631 and the vending machine of Miyazaki '830 to further comprise of machine-readable label that includes a radio transponder or transmitter as claimed since Kojima '680 teaches of a merchandise retail management system that reduces cost and customer inconvenience and waiting time (Abstract, Paragraph 27).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONJI JOHNSON whose telephone number is 571-270-5266. The examiner can normally be reached on Monday-Thursday 7:30 AM -6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William M. Brewster can be reached on 571-272-1854. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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